

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL SALAIS,

Defendant.

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8:05CR420

ORDER

This matter is before the court on the letter of defendant Daniel Salais (Filing No. 90) dated August 8, 2010. In his letter, the defendant alleges ineffectiveness of counsel. Salais also seeks leave to proceed in forma pauperis and for appointment of counsel at government expense. The court construes the letter as a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 ("§ 2255 motion"). The court will direct the clerk of court to send the defendant the appropriate forms for a § 2255 motion and for requesting leave to proceed in forma pauperis. The court will deny the defendant's request for counsel at this time, without prejudice to reassertion after filing an Amended 2255 motion.

THEREFORE, IT IS ORDERED:

1. The Clerk of Court has previously been directed to file the defendant's letter (Filing No. 90) as a § 2255 motion.
2. The Clerk of Court is directed to mail to the defendant, at the return address on the envelope in which his letter arrived, the forms and instructions necessary to enable the

defendant to file an Amended § 2255 motion and application to proceed without payment of fees.

3. The defendant shall file an amended § 2255 motion using the forms supplied by the Clerk of Court within one month of the date of this order.

DATED this 25<sup>th</sup> day of August, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge